

## INTERFERENCE DIGEST

Interference No. 105,551

Paper No.

Name: Jean-Louis Ruelle

Serial No.: 09/700,293

Patent No. 6,780,419, granted 08/24/04

Title: BASB029 polynucleotide(s) and polypeptides from neisseria meningitidis

Filed: 11/13/00

Interference with Scarlato

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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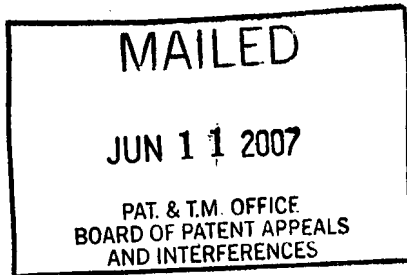
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This should be placed in each application or patent involved in interference in addition to the interference letters.



# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Judge James T. Moore  
Telephone: 571-272-4683  
Facsimile: 571-273-0042

Patentees: RUELLE  
Application No.: 09/700,293, now Patent No.  
6,780,419, granted 08/24/04  
Filed: 11/13/00  
For: BASB029 polynucleotide(s) and polypeptides  
from neisseria meningitidis

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,551.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/James T. Moore/  
JAMES T. MOORE  
Administrative Patent Judge

Mail Stop Interference  
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Alexandria Va 22313-1450  
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Fax: 571-273-0042

Paper 1

Filed 11 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Administrative Patent Judge James T. Moore

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Jean-Louis Ruelle  
Junior Party  
(Patent 6,780,419),

v.

Vincenzo Scarlato,  
Vega Massignani, Rino Rappuoli,  
Mariagrazia Pizza and Guido Grandi  
Senior Party  
(Application 11/212,443).

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Patent Interference No. 105,551  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           **Part A. Declaration of interference**

2           An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
3 parties. Details of the application, patent, count, and claims designated as  
4 corresponding or as not corresponding to the count(s) appear in Parts E and F of this  
5 DECLARATION.

6           **Part B. Judge managing the interference**

7           Administrative Patent Judge James T. Moore has been designated to manage  
8 the interference. Bd. R. 104(a).

9           **Part C. Standing order**

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12          **Part D. Initial conference call**

13          A telephone conference call to discuss the interference is set for **1:00 p.m. ET**  
14 **on August 8, 2007** (the Board will initiate the call).

15          No later than **5:00 PM ET August 3, 2007**, each party shall file and serve (SO  
16 §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120 & 204)  
17 the party intends to file.

18          A sample schedule for taking action during the motion phase appears as Form 2  
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
20 the conference call and to agree on dates for taking action. A typical motion period  
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
22 for a shorter or longer period.

**Part E. Identification and order of the parties**

**Junior Party**

Named inventors: Jean-Louis Ruelle (Limal, Belgium)

Involved Patent: 6,780,419, issued August 24, 2004 from application  
09/700,293, filed November 13, 2000

Title: BASB029 POLYNUCLEOTIDE(S) AND POLYPEPTIDES  
FROM NEISSERIA MENINGITIDIS

Assignee: GLAXOSMITHKLINE BIOLOGICALS S.A.  
980 GREAT WEST ROAD  
ATTENTION: MICHAEL J. LUBIENSKI, GSK, CIP CN925.1  
BRENTFORD, UNITED KINGDOM TW8 9GS  
Correspondent: DANIEL M. BECKER  
P.O. BOX 10004  
PALO ALTO, CA 94303

**Senior Party**

Named Inventors: Vincenzo Scarlato (Siena, Italy)  
Vega Masignani (Siena, Italy)  
Rino Rappuoli (Siena, Italy)  
Mariagrazia Pizza (Siena, Italy)  
Guido Grandi (Siena, Italy)

Involved Application: 11/212,443, filed August 24, 2005

Title: MENINGOCOCCAL ANTIGENS

Assignee: CHIRON S.R.L.  
VIA FIORENTINA 1  
SIENA, ITALY 53100

The senior party is assigned exhibit numbers 1001-1999. The junior party is  
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO § 154.2.1. The senior party  
is responsible for initiating settlement discussions. SO § 126.1.

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**Part F. Count and claims of the parties**

Count 1

Claim 18 of application 11/212,443 or Claim 1 of Patent 6,780,419.

The claims of the parties are:

Ruelle: 1-15

Scarlato: 18-32

The claims of the parties which correspond to Count 1 are:

Ruelle: 1-15

Scarlato: 18-32

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Ruelle: None

Scarlato: None

The parties are accorded the following benefit for Count 1:

Ruelle:	None	
Scarlato:	10/695,499	October 28, 2003
	09/302,626	April 30, 1999 (6,709,660) <sup>2</sup>

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<sup>2</sup> Do not order this file, it is missing and cannot be found at this time. Scarlato is ordered to produce a copy of its prosecution history in a paper accompanying this declaration or risk losing benefit.

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see  
SO & 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
Administrative Patent Judge James T. Moore

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Jean-Louis Ruelle  
Junior Party  
(Patent 6,780,419),

v.

Vincenzo Scarlato,  
Vega Masignani, Rino Rappuoli,  
Mariagrazia Pizza and Guido Grandi  
Senior Party  
(Application 11/212,443).

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Patent Interference No. 105,551 (JTM)  
(Technology Center 1600)

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1  
2 **Part H. Order form for requesting file copies**

3 When requesting copies of files, use of SO Form 4 will greatly expedite  
4 processing of the request. Please attach a copy of Parts E and F of this  
5 DECLARATION with a hand-drawn circle around the patents and applications for which  
6 a copy of a file wrapper is requested.

7  
8 /James T. Moore/  
9 Administrative Patent Judge

10  
11 Enc:

12 Copy of STANDING ORDER  
13 Copy U.S. Patent 6,780,419  
14 Copy of claims of 11/212,443

15  
16 Revised 3 January 2006

17  
18  
19 cc (via overnight delivery):

20  
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